

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID WRIGHT,)	CASE NO. 5:17-cv-137
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	OPINION AND ORDER OF
)	REMAND
)	
CURRY SUPPLY TRUCKING, LLC,)	
)	
)	
DEFENDANT.)	

This matter is before the Court on the motion of plaintiff David Wright (“plaintiff” or “Wright”) to remand this action to the Tuscarawas County Court of Common Pleas, from where it was removed by defendant Curry Supply Trucking, LLC (“defendant” or “Curry Trucking”). (Doc. No. 12 [“Mot.”].) The basis for the motion is that the amount in controversy in this case, inclusive of attorneys’ fees, do not exceed \$75,000.00. (*Id.*) The Court issued an order requiring defendant to respond to the motion by March 28, 2017. (Non-document order March 22, 2017.) Defendant has not opposed or otherwise responded to plaintiff’s motion.

Defendant removed this case on the basis of the Court’s diversity jurisdiction pursuant to 28 U.S.C. § 1332. (Doc. No. 1 [“Notice”].) Section 1332 provides for original federal jurisdiction “where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs,” and is between citizens of different States. 28 U.S.C. § 1132(a)(1). The defendant bears the burden of establishing that removal is proper. *Rogers v. Wal-Mart Stores*,

Inc., 230 F.3d 868, 871 (6th Cir. 2000). “All doubts as to the propriety of removal are resolved in favor of remand.” *Coyne v. Am. Tobacco Co.*, 183 F.3d 488, 493 (6th Cir. 1999) (citation omitted).

In his motion to remand, plaintiff concedes that the amount in controversy in this case does not exceed the required jurisdictional amount of \$75,000.00. As a consequence, the Court lacks original diversity jurisdiction over this matter. As a court of limited jurisdiction, the Court is required to remand any case where federal subject matter jurisdiction is lacking. *See* 28 U.S.C. § 1447(c).

Defendant bears the burden of establishing the Court’s jurisdiction but, in the face of plaintiff’s motion, has made no attempt to do so. Accordingly, plaintiff’s motion to remand is granted, and this case is REMANDED to the Tuscawaras County Court of Common Pleas.

IT IS SO ORDERED.

Dated: March 29, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE